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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,936	08/21/2003	Daisuke Shinohara	NIT-391	7378

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EXAMINER	
SERRAO, RANODHI N	
ART UNIT	**PAPER NUMBER**
2141	

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/644,936	SHINOHARA ET AL.	
	Examiner	Art Unit	
	Ranodhi Serrao	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-5,7-9,11,12,14,16-18 and 20-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5,7-9,11,12,14,16-18 and 20-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 4, 8, 11, 14, 17, and 20-25 have been considered but are moot in view of the new ground(s) of rejection.

2. The applicant argued in substance, "...wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level loser than the first service is provided by a second service providing means, both said first and second service providing means being located on a network, and having a dependent relationship..." and "wherein said second service providing means is capable of providing a third service which does not have a dependent relationship with said first and second services, and said second service providing means sends back a location of said third service in response to an inquiry issued from said service utilizing means." The new grounds teach these and the added features. See rejections below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3-5, 7-9, 11-12, 14, 16-18, and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobde et al. (U.S. Application Pub. No.

2003/0217099 – hereafter "Bobde") and Trinon et al. (U.S. Application Pub. No. 2002/0138571 – hereafter "Trinon").

5. As per claim 1, Bobde teaches a service disclosing and providing method implemented in a case where first service providing means and second service providing means located on a network have a dependent relationship (see Bobde, paragraph 0024), said method comprising the steps of: responsive to an inquiry issued from service utilizing means (see Bobde, paragraph 0050), sending by a service disclosing means a location of said first service providing means being under disclosure to said service utilizing means (see Bobde, paragraph 0050); receiving by said first service providing means a service request sent from said service utilizing means to request said second service providing means to provide said second service by using a location of said second service providing means being under non-disclosure (see Bobde, paragraph 0056); and sending back by said second service providing means the requested information to said service utilizing means via said first service providing means (see Bobde, paragraph 0026), wherein said service request is a request for acquisition of status information about a device, and a response to the request is the status information about said device (see Bobde, paragraph 0047). But fails to teach wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level loser than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship. However, Trinon teaches wherein a first service of an uppermost level in a service

hierarchy is provided by a first service providing means (see Trinon, ¶ 25), and a second service of a level loser than the first service is provided by a second service providing means (see Trinon, ¶ 116), both said first and second service providing means being located on a network and having a dependent relationship (see Trinon, ¶ 63). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bobde to wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level loser than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship in order to improve the method and architecture for measuring and reporting availability and performance of Business Services in today's environment, where numerous objects with moving dependencies have to be managed in large distributed infrastructures (see Trinon, ¶ 13).

6. As per claim 3, Bobde and Trinon teach a service disclosing and providing method, wherein said service request is respective pieces of information that a plurality of said second service providing means send back, and said first service providing means aggregates the respective pieces of information that said second service providing means send back (see Bobde, paragraph 0040), and responds to said service utilizing means (see Bobde, paragraph 0038).

7. As per claim 4, Bobde teaches a service disclosing and providing method implemented in a case where first service providing means and second service providing means located on a network have a dependent relationship, said method

comprising the steps of: requesting by a service utilizing means said first service providing means to provide the first service by using a location of said first service providing means being under disclosure (see Bobde, paragraph 0024); accepting by said first service providing means a service request sent from said service utilizing means to request said second service providing means to provide the second service by using a location of said second service providing means being under non-disclosure (see Bobde, paragraph 0029); and sending back by said second service providing means the requested information to said service utilizing means via said first service providing means (see Bobde, paragraph 0029), wherein said service request is a request for acquisition of status information about a device, and a response to the request is the status information about said device (see Bobde, paragraph 0047). But fails to teach wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level loser than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship. However, Trinon teaches wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means (see Trinon, ¶ 25), and a second service of a level loser than the first service is provided by a second service providing means (see Trinon, ¶ 116), both said first and second service providing means being located on a network and having a dependent relationship (see Trinon, ¶ 63). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bobde to wherein a first service of an uppermost level in a service

hierarchy is provided by a first service providing means and a second service of a level loser than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship in order to improve the method and architecture for measuring and reporting availability and performance of Business Services in today's environment, where numerous objects with moving dependencies have to be managed in large distributed infrastructures (see Trinon, ¶ 13).

8. As per claim 5, Bobde and Trinon teach a service disclosing and providing method, wherein said first service providing means controls a user's right accessing said second service providing means, the user relating to said service utilizing means (see Bobde, paragraph 0027).

9. As per claim 7, Bobde and Trinon teach a service disclosing and providing method, wherein said service request is respective pieces of information that a plurality of said second service providing means send back, and said first service providing means aggregates the respective pieces of information that said second service providing means send back (see Bobde, paragraph 0040), and responds to said service utilizing means (see Bobde, paragraph 0038).

10. As per claim 8, Bobde teaches a service disclosing and providing method implemented in a case where first service providing means and second service providing means located on a network have a dependent relationship, said method comprising the steps of: accepting by said first service providing means a service request sent from a service utilizing means and issued by using a location of said first

service providing means being under disclosure to request said second service providing means to provide the second service by using a location of said second service providing means being under non-disclosure; and sending back by said second service providing means the requested information to said service utilizing means via said first service providing means (see Bobde, paragraph 0029), wherein said service request is a request for acquisition of status information about a device, and a response to the request is the status information about said device (see Bobde, paragraph 0047). But fails to teach wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level loser than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship. However, Trinon teaches wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means (see Trinon, ¶ 25), and a second service of a level loser than the first service is provided by a second service providing means (see Trinon, ¶ 116), both said first and second service providing means being located on a network and having a dependent relationship (see Trinon, ¶ 63). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bobde to wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level loser than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship in order to improve the method and architecture for measuring

and reporting availability and performance of Business Services in today's environment, where numerous objects with moving dependencies have to be managed in large distributed infrastructures (see Trinon, ¶ 13).

11. As per claim 9, Bobde and Trinon teach a service disclosing and providing method, wherein said first service providing means controls a user's right accessing said second service providing means, the user relating to said service utilizing means (see Bobde, paragraph 0027).

12. As per claim 11, Bobde et al. teaches a first service providing program for, in a case where said first service providing program and a second service providing program located on a network have a dependent relationship (see Bobde, paragraph 0024), causing one or more computers to realize a function of accepting a service request sent from a service utilizing device (see Bobde, paragraph 0029) and issued using a location of said first service providing program being under disclosure (see Bobde, paragraph 0024), and a function of requesting said second service providing program to provide the second service by using a location of said second service providing program being under non-disclosure (see Bobde, paragraph 0056); and said second service providing program for, in said case, causing the one or more computers to realize a function of sending back requested information to the service utilizing device via said first service providing program (see Bobde, paragraph 0047), wherein said service request is a request for acquisition of status information about a device, and a response to the request is the status information about said device (see Bobde, paragraph 0047). But fails to teach wherein a first service of an uppermost level in a service hierarchy is

provided by a first service providing means and a second service of a level loser than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship. However, Trinon teaches wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means (see Trinon, ¶ 25), and a second service of a level loser than the first service is provided by a second service providing means (see Trinon, ¶ 116), both said first and second service providing means being located on a network and having a dependent relationship (see Trinon, ¶ 63). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bobde to wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level loser than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship in order to improve the method and architecture for measuring and reporting availability and performance of Business Services in today's environment, where numerous objects with moving dependencies have to be managed in large distributed infrastructures (see Trinon, ¶ 13).

13. As per claim 12, Bobde and Trinon teach a first service providing program, wherein said first service providing program causes said one or more computers to further realize a function of controlling a user's right accessing said second service providing program, the user relating to said service utilizing device (see Bobde, paragraph 0027).

14. As per claim 14, Bobde teaches a program product comprising: a service disclosing program for, in a case where a first service providing program and a second service providing program located on a network have a dependent relationship (see Bobde, paragraph 0024), causing one or more computers to realize a function of sending back a location of said first service providing program being under disclosure to a service utilizing device in response to an inquiry sent from said service utilizing device (see Bobde, paragraph 0029); said first service providing program for, in said case, causing said one or more computers to realize a function of accepting a service request issued from said service utilizing device, and a function of requesting said second service providing program to provide the second service by using a location of said second service providing program being under non-disclosure (see Bobde, paragraph 0029); and said second service providing program for, in said case, causing said one or more computers to realize a function of sending back requested information to said service utilizing device via said first service providing program (see Bobde, paragraph 0027), wherein said service request is a request for acquisition of status information about a device, and a response to the request is the status information about said device (see Bobde, paragraph 0047). But fails to teach wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level loser than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship. However, Trinon teaches wherein a first service of an uppermost level in a service hierarchy is provided by a first service

providing means (see Trinon, ¶ 25), and a second service of a level loser than the first service is provided by a second service providing means (see Trinon, ¶ 116), both said first and second service providing means being located on a network and having a dependent relationship (see Trinon, ¶ 63). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bobde to wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level loser than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship in order to improve the method and architecture for measuring and reporting availability and performance of Business Services in today's environment, where numerous objects with moving dependencies have to be managed in large distributed infrastructures (see Trinon, ¶ 13).

15. As per claim 16, Bobde and Trinon teach a program product, wherein said service request is respective pieces of information that a plurality of said second service providing programs send back (see Bobde, paragraph 0040), and said first service providing program causes said one or more computers to realize a function of aggregating the respective pieces of information that said second service programs send back, and responding to said service utilizing device (see Bobde, paragraph 0038).

16. As per claim 17, Bobde teaches a program product comprising: a first service providing program for, in a case where said first service providing program and a

second service providing program located on a network have a dependent relationship (see Bobde, paragraph 0024), causing one or more computers to realize a function of accepting a service request sent from a service utilizing device and issued using a location of said first service providing program being under disclosure (see Bobde, paragraph 0029), and a function of requesting said second service providing program to provide the second services by using a location of said second service providing program being under non-disclosure (see Bobde, paragraph 0029); and said second service providing program for, in said case, causing said one or more computers to realize a function of sending back requested information to said service utilizing device via said first service providing program (see Bobde, paragraph 0027). But fails to teach wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level loser than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship. However, Trinon teaches wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means (see Trinon, ¶ 25), and a second service of a level loser than the first service is provided by a second service providing means (see Trinon, ¶ 116), both said first and second service providing means being located on a network and having a dependent relationship (see Trinon, ¶ 63). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bobde to wherein a first service of an uppermost level in a service hierarchy is provided by a first service providing means and a second service of a level

loser than the first service is provided by a second service providing means, both said first and second service providing means being located on a network and having a dependent relationship in order to improve the method and architecture for measuring and reporting availability and performance of Business Services in today's environment, where numerous objects with moving dependencies have to be managed in large distributed infrastructures (see Trinon, ¶ 13).

17. As per claim 18, Bobde and Trinon teach a program product, wherein said first service providing program causes said one or more computers to realize a function of controlling an access right to said second service providing program by a user related to said service utilizing device (see Bobde, paragraph 0027).

18. Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobde and Trinon. Bobde and Trinon teach the mentioned limitations of claims 1, 4, 8, 11, 14, and 17 above but Bobde fails to teach a service disclosing and providing method, wherein said second service providing means is capable of providing a third service which does not have a dependent relationship with said first and second services, and said second service providing means sends back a location of said third service in response to an inquiry issued from said service utilizing means. However, Trinon teaches a service disclosing and providing method, wherein said second service providing means is capable of providing a third service which does not have a dependent relationship with said first and second services (see Trinon, ¶ 117), and said second service providing means sends back a location of said third service in response to an inquiry issued from said service utilizing means (see Trinon, ¶ 104). It would have

been obvious to one having ordinary skill in the art at the time of the invention to modify Bobde to a service disclosing and providing method, wherein said second service providing means is capable of providing a third service which does not have a dependent relationship with said first and second services, and said second service providing means sends back a location of said third service in response to an inquiry issued from said service utilizing means in order to create a system architecture and a method for management using a cellular architecture to allow multi-tier management of events such as the managing of the actual impact or the potential impact of IT infrastructure situations on business services (see Trinon, abstract).

Conclusion

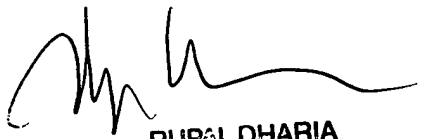
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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